

## **REMARKS**

### **Correction of Inventorship**

With respect to this issue, documents were submitted July 29, 2004 regarding this correction, a copy of which is attached hereto. It is believed this filing renders this issue moot, and correction of inventorship as noted should be made.

### **Claim status**

Claims 1-2, 4-6, 8-12, and 14-21 were pending in the case at the time of the current Office Action. Claims 3, 7, and 13 were previously cancelled. Claims 1, 6, 15, 18, and 20 are currently amended herein. Claim 1 has been amended herein simply to better conform the language of the claim to the language of the specification. The amendments to claims 6, 15, 18, and 20 are simply to correct minor informalities and are not related to matters of patentability. New claim 22 and 23 has been added herein. No new matter has been added, however. Claims 1-2, 4-6, 8-12, and 14-23 are currently pending in the application.

### **Section 112 rejections**

In the current Office action, claims 1, 2, 4, 5, 8-12, and 14-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner has stated that there is no basis in the specification, as originally filed, for the terminology "...first and second curvatures having an axis of revolution, wherein the axes are not coaxial".

The claims as now amended clarify this language, and are believed to be in accordance with 35 USC §112.

Independent claim 1 recites a corneal contact lens comprising:

a lens body having anterior and posterior surfaces, wherein the posterior surface comprises a central zone having at least a first curvature, and at least one first annular zone located around said central zone, said first annular zone having at least a second curvature, wherein said second curvature is not coaxial with said first curvature.

Independent claim 1 has been amended herein to replace the language, "...first and second curvatures having an axis of revolution, wherein the axes are not coaxial" with the language, "wherein said second curvature is not coaxial with said first curvature". This new language is supported in the specification on at least pages 6 and 7 where it is stated, "The second curvature is preferably not coaxial with the central zone 12." and "As the curvature of the annular zone 14 is not coaxial with the curvature of the central zone 12, ...", and "The annular zone curvature may also not be coaxial with the curvature of central zone 12."

Therefore, in view of at least the foregoing, it is respectfully submitted that the rejection has been overcome and that independent claim 1 defines allowable subject matter. Also, since claims 2, 4, 5, 8-12, and 14-20 depend either directly or indirectly from claim 1, it is respectfully submitted that claims 2, 4, 5, 8-12, and 14-20 define allowable subject matter as well.

Applicants respectfully request that the rejection of claims 2, 4, 5, 8-12, and 14-20 under 35 U.S.C. 112, first paragraph, be removed.

#### **Section 102 rejections**

In the current Office action, claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (US 5,422,687).

Applicants respectfully traverse the foregoing rejection in view of the above pending claims and for reasons set forth hereafter.

Independent claim 6 recites a corneal contact lens comprising:

a lens body having anterior and posterior surfaces, wherein the posterior surface comprises a central curve having at least a first curvature, and a central curve axis; and

at least a first annular curve located around said central curve, said first annular curve having a second curvature, and an annular curve axis, wherein the axis of said central curve is distinct from the axis of said annular curve.

It is respectfully submitted that Tanaka et al. (US 5,422,687), hereinafter Tanaka, does not teach or suggest the invention of independent claim 6. In particular, Tanaka does not teach or suggest zones formed using distinct axes of curvature for the separate zones, as does the claimed invention. Instead, Tanaka describes an optical center P of the central near vision

correction region 24 being offset by a distance A from the geometric center O of the lens 30 (column 8, lines 19-23). The outer distance vision correction region 26 surrounds the central near vision correction region 24, however, Tanaka goes on to assert that the common optical center P of the central near vision correction region 24 and the outer distance vision correction region 26 are substantially aligned with the center of the pupil of the eye (column 8, lines 32-36). This suggests that there is alignment of axes of the two regions and not distinct axes of curvature of the separate regions. Tanaka offsets the axis of cutting lathe rotation at an angle from the central zone axis, so as to create a thicker portion offset from the lens geometric center. This is stated to position the zones to align with the center of the pupil. Such a design simply does not relate to the present invention, wherein the at least one annular zone has a curvature produced by moving the origin of the axis of tool rotation to a position not on the lathe axis used to form the curvature of the central zone. The axes of curvature are therefore distinct, and such a feature is not contemplated by Tanaka.

Therefore, in view of at least the foregoing, it is respectfully submitted that independent claim 6 is not anticipated by Tanaka, and it is respectfully submitted that independent claim 6 defines allowable subject matter. Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. 102(b) be removed.

#### **Allowable Subject Matter**

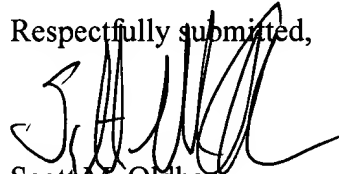
Applicants respectfully thank the Examiner for allowing claim 21. Applicants also respectfully submit that the reason for allowance given by the Examiner is not necessarily the only reason that claim 21 is allowable.

#### **New Claims**

Claims 22 and 23 are added to define the invention in an alternative manner, similar to original claim 6. In claim 22, the lens has the central zone curve and at least one annular zone curve defined as curvatures between first and second origins and apexes on each curve, wherein the second origin does not fall on the central curve axis. This lens as defined also clearly distinguishes the prior art and is believed to be in accord with 35 USC §112. Favorable action on these claims is requested.

Accordingly, the applicant respectfully requests reconsideration of the rejections based on the arguments made above. After such reconsideration, it is urged that allowance of all pending claims will be in order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott M. Oldham', written over the typed name.

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